

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:03 o'clock p.m. adjourned in accordance with a previously adopted motion, until 10:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 7, 1983)

S.C.R. 26

S.C.R. 34

H.C.R. 54

H.C.R. 71

H.C.R. 87

H.C.R. 93

THIRTY-SECOND DAY

(Wednesday, March 9, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Sims.

A quorum was announced present.

Senator Ed Howard offered the invocation as follows:

Our Father, on this day we give Thee thanks for everything You have done for us, for life, for liberty, for our families, for our friends, for this great State. Father, be with us in all that we do today, that it may be in accordance with Thy will. In Jesus' Name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Jones.

CO-AUTHOR OF SENATE BILL 605

On motion of Senator Farabee and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 605.

CO-AUTHOR OF SENATE BILL 750

On motion of Senator Doggett and by unanimous consent, Senator Mauzy will be shown as Co-author of S.B. 750.

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 547
S.B. 358
S.J.R. 20
S.B. 595
S.J.R. 17

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 380
S.B. 99
S.B. 613
S.B. 565 (Amended)
C.S.S.B. 397 (Read first time)
S.B. 400

Senator Parker submitted the following report for the Committee on Education:

S.B. 355
C.S.S.B. 387 (Read first time)
C.S.S.B. 357 (Read first time)

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 41

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 799 by Parker Education
Relating to student services fees at certain institutions of higher education.

S.B. 805 by Sims Finance
Relating to taxation of agri-business items.

S.B. 806 by Howard State Affairs
Relating to the administration, powers, duties, and continuation of the Railroad Commission of Texas; providing penalties.

S.B. 807 by Harris Economic Development
Relating to the manner in which a domestic insurance company may evidence its ownership of securities.

S.B. 808 by Whitmire Natural Resources
Relating to the retention of redfish and speckled sea trout by shrimpers and to the application of criminal penalties.

S.B. 809 by Washington Education
Relating to admission of certain students to the Texas School for the Deaf.

- S.B. 810** by Brooks Health and Human Resources
Relating to the state chest hospitals.
- S.B. 811** by Brooks Health and Human Resources
Relating to the establishment, powers, and duties of the Texas Commission on Drug Abuse.
- S.B. 812** by Brooks Health and Human Resources
Relating to insurance coverage for the services of certain audiologists, speech pathologists, and language pathologists.
- S.B. 813** Brooks Health and Human Resources
Relating to the licensing and regulation of speech-language pathologists and audiologists; providing penalties; and declaring an emergency.
- S.B. 814** by Lyon, Montford, Glasgow, Sharp, Whitmire Jurisprudence
Relating to the offense of capital murder, expanding the definition.
- S.B. 815** by Brooks Education
Relating to a bond or other security for securing school district funds deposited in a bank.
- S.B. 816** by Brooks Health and Human Resources
Relating to the disposition of interest earned on certain funds deposited in the treasury by the State Commission for the Blind.
- S.B. 817** by Brooks Finance
Relating to an appropriation to the Texas State Board of Physical Therapy Examiners for necessary operating expenses.
- S.B. 818** by Brooks Health and Human Resources
Relating to allowing certain facilities to operate under different standards and the requirements of the certificate of need program; amending Subsection (k), Section 7, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes).
- S.B. 819** by Brooks Health and Human Resources
Relating to the application of the Health Facilities Development Act to certain types of health facilities for the elderly.
- S.B. 820** by Brooks Committee of the Whole Senate
Relating to apportionment of the state into senatorial districts.
- S.B. 824** by Montford State Affairs
Relating to standards of conduct and financial disclosure requirements for certain public servants and former public servants; providing a penalty.
- S.B. 825** by Montford State Affairs
Relating to a prohibition of certain contracts by members of the legislature; providing a penalty.
- S.B. 826** by Williams Intergovernmental Relations
Relating to the authority of a county to set and collect fees for the use of county recreational facilities and services.
- S.B. 827** by McFarland Economic Development
Relating to immunity from certain liability involved in known or suspected fraudulent insurance and reinsurance transactions.

- S.B. 828** by McFarland Economic Development
Relating to the licensing of reinsurance intermediaries.
- S.B. 829** by Whitmire, Williams Intergovernmental Relations
Relating to the right of a fire fighter or police officer to appeal an adverse decision of the civil service commission to district court.
- S.B. 830** by Whitmire, Williams Intergovernmental Relations
Relating to an election to repeal the civil service provisions for firemen and policemen.
- S.B. 831** by Whitmire, Williams Intergovernmental Relations
Relating to sick leave for certain firemen and policemen.
- S.B. 832** by Farabee Health and Human Resources
Relating to persons who may grant consent for health care.
- S.B. 833** by Mauzy Education
Relating to salary deductions for dues to professional organizations by employees of institutions of higher education.
- S.B. 834** by Brown Natural Resources
Relating to the importation and transportation of redfish and speckled sea trout; providing penalties.
- S.B. 835** by Truan Natural Resources
Relating to the regulation of circuses, carnivals, and zoos.
- S.B. 836** by Parmer, Lyon Jurisprudence
Relating to the testimony in certain civil and criminal proceedings of children who are victims of sexual abuse or other offenses.
- S.B. 837** by Lyon, Parmer Jurisprudence
Relating to the testimony of one spouse against the other in a criminal prosecution.
- S.B. 838** by Lyon, Parmer Jurisprudence
Relating to conviction of a sexual offense on the testimony of a child.
- S.B. 839** by Leedom Intergovernmental Relations
Relating to the transfer of certain cases from the district courts to the county courts at law in Dallas County.
- S.B. 840** by Leedom Jurisprudence
Relating to an increase in the amounts of certain fees in criminal cases.
- S.B. 843** by Doggett State Affairs
Relating to the application of vehicle and traffic laws to bicycles.
- S.B. 844** by Williams State Affairs
Relating to the collection of delinquent property taxes.
- S.B. 845** by Doggett Health and Human Resources
Relating to disciplinary actions by the State Board of Pharmacy; to reporting by peer group review committees and professional committees; and amending Art. 4542a-1, Section 27, Texas Pharmacy Act, and adding Section 42.
- S.J.R. 28** by Montford State Affairs
Proposing a constitutional amendment to prohibit a member of the legislature from benefiting from a state or county contract with a business in which the member has a substantial interest.

SENATE RESOLUTION 256

Senator Edwards offered the following resolution:

S.R. 256, Recognizing March 9, 1983, as PTA Day in Texas and welcoming PTA representatives to Austin.

The resolution was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Edwards was recognized and introduced a delegation of representatives of the PTA, who were seated in the gallery.

SENATE RESOLUTION 249

Senator Parker offered the following resolution:

WHEREAS, The United States Army Corps of Engineers in February, 1982, announced the closing of 59 Texas lakeside parks adjoining reservoirs constructed by the corps; and

WHEREAS, The parks to be closed in Texas comprise almost one-sixth of the total 403 to be closed nationwide by the corps and almost one-fourth of the corps' 259 parks located in Texas; and

WHEREAS, This threatened loss represents a significant reduction in public access to fishing, boating, swimming, picnicking, and camping facilities, a reduction which cannot be offset except by increased state and local expenditures to provide alternative recreational facilities for displaced park users; and

WHEREAS, The corps' action amounts to unilateral abandonment of the plans that it formulated, and of the concomitant responsibilities that it assumed, when it constructed the reservoirs originally; and

WHEREAS, This abandonment springs from the narrow budgetary rationale of an isolated federal agency, without a congressional vote, without a presidential order, without the benefit of an environmental impact statement, and without due respect for the corps' state and local governmental partners; and

WHEREAS, Even its budgetary rationale is ill-founded, given that the corps' decision eliminates facilities supporting almost 9 million visitations by recreationists annually to achieve savings of a mere \$232,000; now, therefore, be it

RESOLVED, That the Senate of the State of Texas join with the Boating Trades Association of Texas, American Recreation Coalition, Sportsmen's Clubs of Texas, Lone Star Chapter of the Sierra Club, Texas Recreation and Parks Society, Discover Texas Association, Texas Tourist Council, Texas Recreational Vehicle Association, Texas Parks and Wildlife Department, Texas Conservation Foundation, Texas Tourist Development Agency, Attorney General's Office, and other private organizations and state agencies, in protesting the closing by the United States Army Corps of Engineers of 59 of its lakeside parks in Texas; and, be it further

RESOLVED, That the Senate hereby create a special committee of three members, to be selected by the lieutenant governor, to travel to Washington, D.C.; and, be it further

RESOLVED, That the committee meet with members of the Texas delegation to the United States Congress, with staff of the Texas Office of State-Federal Relations, and with officials of the United States Army Corps of Engineers, and attempt to persuade the corps to formally rescind its decision; and, be it further

RESOLVED, That the members of the committee be reimbursed for expenses incurred in carrying out the provisions of this resolution, their expenses to be paid from the contingent expense fund of the Senate; and, be it further

RESOLVED, That, upon its return, the committee make a report to the Senate on its activities and on the expected outcome of the issue.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas

March 8, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM:

For a term to expire December 31, 1987:

HONORABLE DAVID CHAPPELL

3721 Kingston

Corpus Christi, Texas 78415

(Mr. Chappell is replacing the Honorable Kenneth Vaughan of Garland, Dallas County, Texas, whose appointment was returned to this Governor.)

TO BE MEMBERS OF THE UPPER GUADALUPE RIVER AUTHORITY:

For terms to expire November 1, 1988:

CHARLES SCHREINER IV

YO Ranch

Mountain Home, Texas 78058

(Mr. Schreiner is replacing Julius R. Neunhoffer of Kerrville, Kerr County, Texas, whose appointment was returned to this Governor.)

L. F. EARLAN KOEHLER

P. O. Box 255

Hunt, Texas 78024

(Mr. Koehler is replacing Mr. Edgar Wallace of Kerrville, Kerr County, Texas, whose appointment was returned to this Governor.)

RAYMOND MOSTY

Box 175

Center Point, Texas 78010

(Mr. Mosty is being reappointed.)

Respectfully submitted,

/s/Mark White

Governor of Texas

MOTION TO ADJOURN

On motion of Senator Brooks, the Senate agreed at 10:55 o'clock a.m. to stand adjourned at the conclusion of the Joint Session until 9:00 o'clock a.m. tomorrow.

JOINT SESSION

(To hear address of Governor Mark White)

The President announced that the hour for the Joint Session of the two Houses to hear the address of Governor Mark White, pursuant to the provisions of S.C.R. 34, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The Honorable Mark White, Governor of the State of Texas, accompanied by members of his party, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Doggett, Jones, Farabee, Brooks and Parker on the part of the Senate and Representatives Buchanan, Bomer, Wolens, Luna, S. Thompson, Word, Davis, Granoff, Hury, Kubiak, Tow, Turner, Peveto, Ragsdale, Stiles, S. Hudson and Oliver on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House, called the House to order, announced a quorum and stated the purpose of the Joint Session.

The President then presented His Excellency, The Honorable Mark White, Governor of the State of Texas.

Governor White addressed the Joint Session. (Complete text of address printed in House Journal for March 9, 1983)

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 254 - By Doggett: Extending best wishes to Dr. William E. "Henry" Norris, Jr., on his retirement.

S.R. 255 - By Doggett: Commending the participants in the Retired Senior Volunteer Program.

S.R. 257 - By Parker: Extending congratulations to Mr. and Mrs. E. T. Cessna.

S.R. 258 - By Sharp: Extending welcome to the Victoria Children's Choir and Chorus.

S.R. 259 - By Sharp: Inviting the Round Rock High School band to perform in the State Capitol.

S.R. 260 - By Caperton: Extending welcome to Dr. Raymond R. Thomas, Capitol Physician for the Day.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:29 o'clock a.m. would stand adjourned until 9:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted in the Senate.